



## COUNCILMEMBER DONNA FRYE

City of San Diego  
Sixth District

### MEMORANDUM

**DATE:** March 9, 2007

**TO:** City Attorney Michael Aguirre

**FROM:** Councilmember Donna Frye

**SUBJECT:** Budget Authority Compromise

---

The following analysis is from the *Voice of San Diego* regarding the proposed compromise language for the budget authority:

#### **\$48.4M Worth of Leeway**

*If the compromise on budget authority that Mayor Jerry Sanders, Council President Scott Peters and Councilman Tony Young tentatively struck last week were adopted, a quick [voiceofsandiego.org](http://voiceofsandiego.org) analysis shows that Sanders would be able to trim up to \$48.4 million off the city's \$1.02 billion budget without consulting the council.*

*Under the proposal, which the City Council will consider at its March 19 meeting, the mayor would be permitted to cut up to \$4 million or 10 percent from a department, whichever is less, without first asking the council. Of the 47 departments that are fueled by the general fund, only five are large enough to have their cuts capped to \$4 million under the plan.*

I am requesting a written legal opinion from your office in response to the following:

Does the compromise language regarding budget authority conflict with the City Charter and the delegation of authority?

**City Charter Section 11.1: Legislative Power –Nondelegable**, states in part that, “ ...its members shall not delegate legislative power or responsibility which they were elected to exercise in the adoption of any ordinance or resolution which raises or spends public monies, including but not limited to the City’s annual budget ordinance or any part thereof...”

Your response is requested **before March 19, 2007**, given that the City Council is scheduled to vote on this matter on that date. Thank you.

---

DF/ks